Applicant respectfully requests the Examiner's reconsideration of the present application. Claims 1, 14-17, 25, 38-41, 49 and 62-65 have been amended. No claims have been added. No claims have been canceled. Therefore, claims 1-3 and 5-72 are presented for examination.

Claim Amendments

Claims 14-17, 38-41 and 62-65 have been amended in response to the 35 U.S.C. 112 rejections in the Final Office Action (11/3/05) for purposes of clarification. Claims 1, 25, and 49 have been amended to specifically point out a feature of the claimed invention. Support for the amendments can be found within the Application's Specification, for example, on page 12, lines 11 to 12. No new matter has been added as a result of these amendments.

35 U.S.C. § 112 Rejections

Claims 14-17, 38-41 and 62-65 are rejected under 35 U.S.C. § 112

Independent claims 14, 38 and 62

Amended independent claims 14, 38 and 62 includes the limitation "... receiving a blank ~~once~~ one-time writeable media into a drive system which is coupled to said data processing system (DPS); ..." (emphasis added).

Applicant wishes to clarify that the blank writeable media is a one-time writeable media. Among blank writeable media, there includes re-writeable media (CD-RW) where new data can be repeatedly written over data which was previously recorded onto the media, and, there is one-time writeable media (CD-R) where once the information is written onto the media, the information cannot be erased or over-written. Applicant is claiming a writeable media of the latter variety. The Final Office Action has misinterpreted the "once" writeable media as a writeable media that was already written once and thus it would not be "blank". In light of this clarification, Applicant submits that claims 14, 38 and 62 are patentable under 35 U.S.C. §112. Accordingly, Applicant respectfully requests the withdrawal of the rejections of the claims under 35 U.S.C. 112.

<u>Dependent claims 15-17, 39-41 and 63-65</u>

Dependent claims 15-17, 39-41 and 63-65 depend from claims 14, 38, and 62 respectively. Dependent claims 15-17, 39-41 and 63-65 have been amended to include the correct antecedent basis in reference to the independent claims 14, 38 and 62. Therefore, Applicant submits that dependent claims 15-17, 39-41 and 63-65 are patentable under 35 U.S.C. 112 and respectfully requests withdrawal of the rejections of the claims.

Claims 1-3, 25, 26, 28, 49, 50 and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller et al., U.S. Patent No. 6,621,768 ("Keller") in view of Kurashina et al, U.S. Patent No. 6,661,763B2 ("Kurashina") and further in view of Screen Dumps of Microsoft Word ("MS Word").

<u>Independent claims 1, 25 and 49</u>

Amended independent claims 1, 25, and 49 contain the limitation "… <u>wherein the graphical user interface has the capability to perform drag and drop operations on icons displayed on a display device.</u>" (emphasis added).

Keller describes a compact disc recording device, an apparatus that includes a housing, a means to receive audio signals, a compact disc recorder to record audio signals onto a compact disc, and a data storage structure in the housing for storing audio signals. The compact disc recording device has a graphical display which can also be a graphical user interface that relies upon a tactile operation where an operator's physical touching or contact with the knobs or the touch screen is used to execute commands in the embedded software.

Kurashina discloses an optical disk recording apparatus and method for recording data in a lead-in area and a program area. In Kurashina, recording of data is initiated before the ejection command is executed (Col. 9, lines 24-29; and Col. 9, lines 51-54). Kurashina provides that upon interruption of this data writing / recording process, when an ejection command is executed before finalization of the writing / recording process, it prevents loss of recording data. For instance, Kurashina's system

prevents inputted CD text from being accidentally cleared when a disk is being ejected when the TOC data is not written into the lead-in area of the disk. Therefore, Kurashina's writing of data in response to the ejection command is only to prevent data loss from the on-going recording process, but not an <u>initiation of a data writing process</u>.

MS word teaches the delaying execution of an instruction upon a command to "quit". Whenever a word document is created or opened, the MS Word program or application is activated. Further, in MS Word, there is an automatic save feature which saves the new information inserted into the document on a periodic basis. This feature prevents the user from losing data when the system crashes. Therefore, the system initiates saving of information automatically before the user quits the program. The program prompts the user to confirm if the user wants to retain or abandon the new information already saved by the autosave feature when quitting the program. On the contrary, Applicant's invention only initiates and performs the write operation to save data after the delayed instruction to eject blank writeable media is executed.

In response to the rejection of the claims 1, 25 and 49, Applicant submits that it is not possible to combine Keller, Kurashina and MS Word, nor is there a motivation to combine Keller, Kurashina and MS Word. MS Word is a text processing software while Keller and Kurashina are apparatus for performing compact disc recording. MS Word teaches a command to "quit" the application and not "an instruction to write first data" as claimed. A command to "quit" is not the same as an instruction to write data. Neither Keller nor Kurashina is describing a software application or program. They are each simply an apparatus containing only a dedicated application of playing and recording data on a compact disc. MS Word is one of many software applications installed in a computer system and thus aptly contains a command to "quit" when the program is not to be used. Keller and Kurashina does not contain multiple programs or application in their apparatuses, rather, Keller and Kurashina include multiple features to perform CD playing and recording but nothing else. Thus, MS Word neither has a similar function nor operate under a similar environment as Keller and Kurashina and so they are impossible to be combined. Further, Keller and Kurashina describe compact disc recording processes in their respective disclosures accompanied by specific description

of the hardware. There is no suggestion or motivation that it can be combined in use with other applications and thus there is no need to "quit" such application. Consequently, there is no motivation to combine MS Word with Keller and Kurashina.

Assuming arguendo that there is motivation to combine, still, the combination fails to teach each and every element of the invention as claimed. First, MS Word teaches delaying execution of an instruction to "quit" an application, not delaying an instruction to "write data" onto a blank writeable media. Therefore, the final "save" instruction is merely an indirect consequent of delaying the instruction to "quit" a software application, entirely different from a direct instruction to delay "writing" of data onto a writeable medium. Further, in MS Word, autosaving takes place constantly in the background in order to prevent the loss of information already entered in the event of a system crash. However, as supported by specification page 12, there is no intermittent "saving" or "writing" of data onto the blank writeable medium as the dragging and dropping or cutting and pasting of files are performed. The write operation for all files is only initiated and performed upon execution of the ejection command. Therefore, MS Word is vastly different from the invention as claimed.

Second, amended claims 1, 25 and 49 include the limitation "... wherein the graphical user interface has the capability to perform drag and drop operations on icons displayed on a display device." Keller describes of a graphical user interface, but his graphical user interface does not provide the capability to perform drag and drop operations on icons displayed on a display device. Keller's graphical user interface comprises of buttons and a digital display. Keller may even include a touch screen digital display, however, nothing in the disclosure suggests that Keller has "the capability to perform drag and drop operations on icons displayed on a display device." Therefore, Keller fails to teach or suggest one essential aspect of the claimed invention.

Third, the Final Action asserted that Kurashina teaches upon the command to eject, the writeable media from the drive system, the data structure writes the data on a blank writeable disk. Applicant submits that Kurashina and the claimed invention are different. Kurashina describes a "partial-recording condition in which finalization is not completed" (Col. 3, lines 20-21) where "temporary data is recorded upon ejection

command" (Col. 11, lines 56-58 and Col. 12, lines 7-9). Kurashina teaches and suggests recording of temporary and incomplete data to be performed prior to ejection command as a loss prevention measure, but fails to teach a "delaying instruction to write data" and where such ejection command is given through "a graphical user interface with capability to perform drag and drop operations on icons displayed on a display device". Moreover, Kurashina's "partial-recording condition" suggests that recording is performed intermittently and not solely executed by the ejection command and thus teaches away from Applicant's claimed invention where "writing" of data is performed in one operation initiated and performed upon execution of the ejection command. Rather the "save" data operation after the ejection command to write temporary data is merely a backup safety feature to prevent loss of data when finalization is not completed.

In summary, MS Word, Keller and Kurashina each has its own deficiency in attempting to match the claims and in combination they fail to cure each other's deficiency. Therefore, even assuming arguendo that there is motivation to combine MS Word, Keller and Kurashina, the combination still fails to teach all the elements as claimed in the invention. As such, Applicant respectfully submits that claims 1, 25 and 49 as amended are patentable over MS Word, Keller and Kurashina and requests withdrawal of the claim rejections under 35 U.S.C. 103(a).

Dependent claims 2, 3, 26, 28, 50 and 52

Dependent claims 2, 3, 26, 28, 50 and 52 depend from independent claims 1, 25 and 49 and include the amended limitations containing therein. At least for this reason, they are considered patentable over the combination of Keller in view of Kurashima and MS Word. Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. 103(a).

Claims 5, 9-11, 14, 18-23, 24, 27, 29, 33-35, 38, 42-48, 51, 53, 57-59, 62 and 66-72 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Kurashina in view of MS word as applied to claims 2, 5, 9, 10, 18, 19, 20, 22, 26,

33-34, 42-44, 46, 50, 57-58, 66-68 and 70, and further in view of Screen Dumps of MS CD Player.

<u>Dependent claims 5, 9-11, 27, 29, 33-35, 51, 53, and 57-59</u>

Claims 5, 9-11, 27, 29, 33-35, 51, 53, and 57-59 depend from amended claims 1, 25 and 49. Keller, Kurashina and MS Word fail to cure the deficiencies of each other and their combination fails to suggest or teach all the elements in amended claims 1, 25 and 49. MS CD player describes a graphical user interface of a CD player. It merely plays audio and music data and does not have any capability to write data on a blank writeable medium and does not teach or suggest a delay in instruction to write data on a blank writeable medium until an ejection command has been executed. Although it has a graphical user interface, MS CD Player does not have "the capability to perform drag and drop operations on icons displayed on a display device". Thus, MS CD player fails to cure the deficiencies in Keller, Kurashina, and MS Word.

Claim 5, 29, 53 depends on claim 1, 25, 49 respectively, and further includes the limitation "<u>displaying automatically, in response to said receiving of said writeable media</u>... a <u>prompt</u> to a user with at least two selectable options..." (emphasis added). It is well known in the art that a prompt is an alert to the user which may seek input from the user. Furthermore, as understood by those ordinarily skilled in the art, in the context of a graphical user interface, a prompt generally takes a form of a box with buttons for a user to select where such box cannot be deactivated unless one of the buttons within the box has been selected. Neither Keller's disclosure (Figs 2 and 7-13; col. 4, line 63 through Col. 5, line 13; col. 5, line 44; col. 12 lines 35-42; buttons 53-63) nor Kurashina (col. 3, lines 13-23; col. 8, lines 34-59; col. 11, lines 56-58; col. 12, lines 7-9) teaches or suggests a "prompt" as understood by one possessing ordinary skills in the art. Keller merely describes the digital graphical display and the physical buttons to which it is associated, while Kurashina merely describes the process and alternatives of the compact disc recording steps and process without specifically teaching or suggesting how, when, where and in what form, if a "prompt" is to be used, would be displayed. MS CD Player gives the user multiple options upon activation of the software, but they

are only options and not a "prompt" as understood by those possessing ordinary skill in the art. MS Word does provide a "prompt" upon an instruction to "quit" the application, but the "prompt" provides a "yes" or "no" option to "quit" but not to "eject" or to "use" the writeable media. Therefore, Keller, Kurashina, MS Word and MS CD player fail to cure the deficiency of each other. Even assuming arguendo that the references can be combined, the combination does not teach or suggest all the limitations in claims 5, 29, 53.

Claims 9-11, 33-35, 57-59 depends from claim 5, 29, 53 respectively. Claims 27 and 51 depend from claims 25 and 49. Keller, Kurashina and MS Word fail to cure the deficiencies of each other and their combination fails to suggest or teach all the elements in amended claims 1, 25 and 49. Further, the combination fails to teach or suggest the limitation of a "prompt" as in the claimed invention. For at least these reasons, claims 5, 9-11, 27, 29, 33-35, 51, 53, and 57-59 are patentable over Keller in view of Kurashina and MS CD player and applicant respectfully requests the withdrawal of the rejections of the rejections of the claim under 35 U.S.C. 103(a).

Independent claims 14, 38 and 62

Keller, Kurashina, MS Word and MS CD player are described above. Independent claims 14, 38 and 62 include the elements of "... <u>receiving</u> a blank one-time writeable media into a drive system... <u>displaying automatically, in response to said receiving</u>... a <u>prompt</u> to a user with at least three selectable options which allow said user to (1) eject ... (2) use said blank one-time writeable media... (3) <u>launch an audio CD creation program</u>." (Emphasis added).

Independent claims 14, 38 and 62 contain the limitation of a "prompt" containing at least three options for a user to select. As described above in claims 5, 29, 53, neither Keller nor Kurashina teaches or suggests the use of a "prompt". Further Keller, Kurashina and MS Word cannot be combined because of the dissimilarity in art. There is also no motivation to combine. Keller, Kurashina, MS Word and MS CD Player fails to cure the deficiency of each other. Even assuming arguendo that there is motivation to combine, the combination still fails to teach or suggest the use of a "prompt", which

displays automatically upon receiving of a blank writeable medium. While Keller and Kurashina inherently performs the functions of CD recording, they are merely functions and there is no independent "program" which can be launched to create a CD. Each of Keller and Kurashina is dedicated to provide an aggregate series of functions for CD recording and do not teach a "prompt" with "at least three selectable options". MS CD Player fails to teach a "prompt", nor does it teach an option to "launch an audio CD creation program". MS Word teaches a "prompt" to "quit" but fails to teach "at least three options" including the ejection of a blank one-time writeable medium, using the blank one-time writeable medium, and launching an audio CD creation program.

Therefore, Applicant submits that claims 14, 38 and 62 are patentable over Keller, Kurashina, MS Word in view of MS CD changer and respectfully requests the withdrawal of the claim rejections under 35 U.S.C. 103(a).

Independent claims 18, 42 and 66

Claims 18, 42 and 66 include the element "... <u>receiving a blank writeable media into a drive system</u> which is coupled to said data processing system (DPS); <u>creating automatically, in response to said receiving, a data file on a storage device</u> which is coupled to said DPS prior to writing data to said blank writeable media, to store various data files to be written to said blank writeable media upon an ejection or burn operation." (Emphasis added).

The Final Office Action indicated that claims 18, 42 and 66 are similar in scope to claims 1 and 9 and thus are rejected on the same grounds. As discussed above, Keller, Kurashina and MS word are impossible to combine. There is also no motivation to combine as explained. MS CD changer fails to cure the deficiencies in Keller, Kurashina and MS Word. Thus even assuming arguendo that there is a motivation to combine, the combination still does not teach or suggest each and every element of claims 1, 9, 18, 42 and 66. Applicant wishes to clarify that neither Keller nor Kurashina teaches the limitation in claims 18, 42 and 66 where in "receiving a blank writeable media into a drive system which is coupled to a data processing system" the DPS "creating automatically, in response to said receiving, a data file on a storage device..."

Kurashina does not teach a separate data storage device coupled to a data processing system. Keller teaches a data storage structure coupled to a data processing system, but no where in Keller does it teach the limitation of "creating automatically, in response to said receiving, a data file on a storage device..." In fact, Keller teaches "... the central processing unit can cause the digital data to be saved in the data storage structure as one or more digital files, such as digital audio wavetable or raw files, in the order in which they were received." (col. 12, lines 13-16). In fact, this clearly teaches that no data files are created before "pressing the record button" (Col. 11 line 66) when the analog input signals are received by the compact disc recorder. Therefore, Keller teaches away from creating a data file automatically in response to receiving a blank writeable media by specifically teaching creation of digital data files after the recording button has been hit.

As such, Applicant submits that claims 18, 42 and 66 are patentable over Keller, Kurashina, MS Word and MS CD Player and respectfully requests the withdrawal of the claim rejections under 35 U.S.C. 103(a).

Dependent claims 19-23, 43-47 and 67-71

Dependent claims 19-23, 43-47 and 67-71 depend from independent claims 18, 42 and 66. For at least this reason, they are patentable over Keller in view of Kurashina and MS CD player.

Claims 6, 7, 12, 13, 30, 31, 36, 37, 54, 55, 60 and 61 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Kurashina in view of MS Word and further in view of Moore et al., U.S. Patent No. 5,835,297 (Moore").

Keller, Kurashina and MS Word are described above. Moore describes a method, apparatus and computer system for detecting the insertion of a medium in a medium drive. Moore's background disclosure describes displays of icons on the

screen of an operating system after a CD-ROM is newly inserted into its drive. Moore fails to cure the deficiency in Keller, Kurashina or MS Word.

<u>Dependent claims 6-7, 12-13, 30-31, 36-37, 54-55, and 60-61</u>

Claims 6-7, 12-13, 30-31, 36-37, 54-55, and 60-61 depend from independent claims 1, 25 and 42. As discussed above, Keller, Kurashina and MS Word are impossible to combine. There is also no motivation to combine as explained. Although Moore discloses in the background that the operating system displays an icon representing the CD when a CD-ROM is inserted into the CD-ROM drive, Moore fails to cure the deficiencies in Keller, Kurashina and MS Word. Thus, there is further no motivation to combine Moore to Keller, Kurashina and MS Word. For at least these reasons, Applicant submits that claims 6-7, 12-13, 30-31, 36-37, 54-55, and 60-61 are patentable over Keller in view of Kurashina, MS Word and Moore. Accordingly, Applicant respectfully requests withdrawal of the claim rejections under 35 U.S.C. 103(a).

Claims 8, 15-17, 32, 39-41, 56 and 63-65 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Kurashina in view of MS CD Player as applied to claims 5, 14, 29, 38, 53 and 62 and further in view of Moore.

<u>Dependent claims 8, 15-17, 32, 56 and 63-65</u>

Claims 8, 15-17, 32, 56, and 63-65 depend from amended independent claims 1, 14, 25, 38, 49, and 62. Keller, Kurashina, MS CD Player and Moore are described above and each reference fails to cure the deficiency of the others. Further, as discussed, their combination fails to teach or suggest the elements in independent claims 1, 14, 25, 38, 49 and 622. For at least this reason, they are considered patentable over the combination of Keller in view of Kurashima, MS CD player and Moore. Accordingly, Applicant respectfully requests withdrawal of the claim rejections under 35 U.S.C. 103(a).
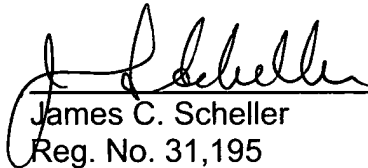
Conclusion

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome and the pending claims are in condition for allowance.

If the Examiner determines the prompt allowance of the claims could be facilitated by a telephone conference, the Examiner is invited to contact James C. Scheller at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any fees that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: ___2/3___, 2006

James C. Scheller
Reg. No. 31,195

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025
(408) 720-8300